IN THE HIGH COURT OF JUDICATURE AT BOMBAY

APPELLATE SIDE JURISDICTION

LETTERS PATENT APPEAL NO. 171 OF 2001

IN

WRIT PETITION NO. 3502 OF 2001

Kamal Singh. .. Appellant.

vs.

M/s. National Textile Corporation

(S.M.) & Ors. .. Respondents.

Mr. N. M. Ganguli for appellant.

Mrs.Meena H. Doshi for Respondents.

Coram: J.N. PATEL &,

SMT. R.S. DALVI, JJ.

Date: 10TH APRIL, 2007.

P.C.

. Heard.

2. The appellant has filed a complaint under the Maharashtra Recognition of Trade Unions and Prevention of Unfair Labour Practices Act, 1971 particularly invoking items 5 and 9 of Schedule IV claiming that the appellant was entitled to be appointed to the post of Departmental Head and though the appellant's services were deployed as a Chemist but he was never - granted the grade and, therefore, the respondents have engaged in unfair labour practices under item 5 and 9 of Schedule IV of the Act. The Industrial Court found on

the basis of evidence on record that the complainant has failed to prove his case. The decision of the Industrial Court was challenged before the learned Single Judge of this Court which concurred with the finding of the Industrial Court by examining the evidence on record. The learned Single Judge came to the conclusion that the appellant has failed to prove claim for technical grade and rather there is no pleading to that effect in his complaint. Secondly, on the point of discrimination, particularly in relation to other employees i.e. Mrs. Redkar and Mr. Redkar he has admitted in his cross-examination that Mr. Redkar was recommended for promotion by D.P.C. and, therefore, as the appellant failed to make out any case against the respondent of having engaged in unfair labour practice, the learned Judge dismissed the petition.

3. We find that the decision of the Industrial Court as well as the learned Single Judge is borne out from the evidence on record. The appellant himself has given an admission to the effect in his cross-examination which shows that he is not entitled to be posted as a Chemist or that the persons junior to him were considered for being promoted. Therefore, we do not find any merit in the Letters Patent Appeal. The same is dismissed. No order as to costs.

(J.N. Patel, J.)

(Smt. R.S. Dalvi, J.)